in Lok Sabha, I am directed to enclose the Appropriation (No. 3) Bill, 1994 as passed by Lok Sabha at its sitting held on the 9th August, 1994.

2. The Speaker has certified that this Bill is a Money Bill within the meaning of article 110 of the Constitution of India."

(II)

"In accordance with the provisions of rule 96 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to enclose the Appropriation (No. 4) Bill, 1994 as passed by Lok Sabha at its sitting held on the 9th August, 1994.

2. The Speaker has certified that this Bill is a Money Bill within the meaning of article 110 of the Constitution of India."

(III)

"In accordance with the provisions of rule 96 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to enclose the Appropriation (No. 5) Bill, 1994, as passed by Lok Sobha at its sitting held on the 9th August, 1994.

2. The Speaker has certified that this Bill is a Money Bill within the meaning of article 110 of the Constitution of India".

(IV)

"In accordance with the provisions of rule 96 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to enclose the Jammu and Kashmir Appropriation (No. 2) Bill, 1994, as passed by Lok Sabha at its sitting held on the 9th August, 1994.

2. The Speaker has certified that this Bill is a Money Bill."

Madam, I lay a copy of each of the Bills on the Table.

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**REPORT AND MINUTES OF THE STANDING AND MINUTES OF THE FINANCE**

SHRI MAHENDRA PRASAD: I lay on the Table a copy (in English and Hindi) of the Eighth Report of the Standing Committee on Finance on 'Survey, Search and Seizure Operations' by the Income-tax Department and Minutes of the sittings of the Committee relating thereto.

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**REFERENCES**

**Re. demand for Constitutional amendment to protect 69 per cent reservation for S.C., S.T. and B.C. in Tamil Nadu**

SHRIMATI JAYANTHI NATARAJAN (Tamil Nadu): Madam, with your permission, I beg to raise a very important issue and to draw the attention of the Leader of the House and the Government to this problem.

Madam, time and again, all of us, cutting across party lines, have raised in this House the question of reservation for the backward classes. We have a special situation in our State of Tamil Nadu where for many decades now the Scheduled Castes, the Scheduled Tribes and the backward classes have been enjoying reservation. The first communal G.O. which related to reservation was passed by the then Congress Government in 1957. From those days, we have enjoyed the benefits of the reservation. The reservation policy adopted in Tamil Nadu is not only with respect to Government jobs but also with respect to admission into educational institutions because education is such a valuable thing for the young people of our country. A unique feature of the reservation in Tamil Nadu has been that all the people have always accepted it. Even the people who have been affected by the reservation have accepted it as a matter of historical compensation that more advanced sections of the society owe to the socially and educationally weak

sections of the society. There has never been any resentment from the advanced sections of the society. Not a drop of blood has been shed. Not one agitation has been held. The people have accepted it peacfully, and we have enjoyed the benefits of the reservation policy for all these years.

In 1990, due to the mishandling by the National Front Government which was supported by the Left parties and by the BJP, a situation was created where there was turmoil and unrest over the policy of reservation all over the country.. The matter was challenged in the Supreme Court, and the Supreme Court gave a judgement that on no account should reservation exceed 50 per cent. As a result of that, reservation policy in Tamil Nadu also has been challenged in the Supreme Court. The people who have challenged it have said that the Government of Tamil Nadu and the people of Tamil Nadu are also bound by that. In order to get around the situation, after a great deal of active consideration, the Tamil Nadu Government passed a law protecting the reservation of 69 per cent which we have already enjoyed till now. Our Prime Minister, Mr. Narasimha Rao, and the Government led by him recommended to the Rashtrapatiji that assent should be given to the Bill, and the hon. Rashtrapatiji was also good enough to give his assent to the Bill.

Now, Madam, what has happened is that the Bill has been challenged in the Supreme Court. Yesterday the Supreme Court gave a stay on that. The stay will not disturb the admissions which have already been made, but the future vacancies that arise. This is an extremely anomalous situation. We have enjoyed the benefit for so many years in our State. Now, to say that it will take away the rights of the people who have enjoyed all this time has created a crisis of great magnitude in Tamil Nadu. I would like the House to appreciate the seriousness of the situation. The situation has deteriorated even further leading to a confrontation between certain sections of the society and the backward and depressed classes. None of us agrees with the position of that advocate or the petitioner who are challenging it, but the State Government failed to protect the advocate who challenged this. That advocate was badly attacked. He is now in the hospital and the question of contempt is also in the Supreme Court. I am afraid that a crisis will be created leading to clashes and a tremendous confrontation will arise.

I want to say one thing more. In 1987, when the then Congress Government in the State brought about the first G.O. for reservations, that was also challenged in the Supreme Court and in a similar way the Supreme Court struck it down as being unconstitutional. Immediately, the Congress Government at the Centre at that time brought about the first Constitutional amendment. So, this is not the first time when a Constitutional amendment has been brought about for this purpose. In 1951, the first Constitutional amendment was brought in by the Government in order to protect the reservation policy as a result of the Supreme Court striking it down. This Constitutional Amendment was piloted by Mr. B. R. Ambedkar as Law Minister. By it article 15 of the Constitution was amended to say that in spite of the Fundamental Rights on Equality that every citizen enjoys, nothing in this article will prevent the State from making any special provision for advancement of the socially and educationally backward citizens or the Scheduled Castes and Scheduled Tribes. The time has come now for the Government to again intervene immediately and in this session itself so that the interests of the backward classes and the Scheduled Tribes who have already been enjoying the reservation for so many years will be protected.

Unfortunately, Madam, the Constitutional amendment cannot be passed

unless the Opposition is also here. On this ground I would appeal to the Government first to initiate steps to bring in a Constitutional amendment. I would also appeal to the Opposition to forget whatever problems they may have. All other issues can be sorted out. They should come back to the House so that we can discuss the serious crisis that has resulted because of the Supreme Court stay which was granted yesterday and that an amendment should be brought in to protect the interests of the backward classes in Tamil Nadu.

SHRI V. NARAYANASAMY (Pondicherry): Madam, I would like to associate with the hon. Member, Shrimati Jayanathi Natarajan on the situation that has been created by the Supreme Court stay on 69 per cent reservation given to the backward classes of Tamil Nadu by bringing in a special legislation. Madam, as she was enjoying this benefit for a long time. When Shri K. Kamaraj was the Chief Minister of Tamil Nadu, this reservation was introduced and it has been continued by the respective State Governments. This anomalous situation had been created when Shri V. P. Singh was the Prime Minister It was challenged in the Supreme Court and the Supreme Court gave a ruling. Now, the State Government in its wisdom has passed a Bill seeking statutory powers to make 69 per cent reservation in Tamil Nadu. Thereafter, the pressure was mounted by the State Government of Tamil Nadu on the Centre to give assent to this Bill. It became a political issue in the State and there was going to be a law and order problem in the State. Therefore, the Central Government considered it and the hon. Home Minister, it seems called a meeting of various political leaders and discussed the issue with them. Ultimately, it was decided that if the State Governments wanted to have reservations for backward classes according to the situation prevailing there, it can be left to the concerned State Governments. Therefore, the Central Government recommended and the hon. President gave his assent to the Bill

Now, with the Supreme Court stay, the Bill seeking the 69 per cent reservation to the backward class people of Tamil Nadu, now the college and school admissions for the backward classes are not to be given. Now, admissions to engineering and medical colleges have to be made. The more important aspect is that employment opportunities to the backward classes have been totally denied because the reservation policy has been kept in abeyance. Admissions have come to a standstill. Some of the political parties in Tamil Nadu are trying to make a political capital out of it. They are trying to create a law and problem in the State. It is a human problem. It is a problem of the people. It is a problem of the backward classes. Therefore, the only solution that has been left to the Central Government is to bring forward a Constitutional amendment. I feel that by bringing a Constitutional amendment alone, the Central Government can save the situation. I would appeal to the hon. Home Minister—who has been taken a keen interest in this matter—to see that the issue is resolved. I would request the hon. Home Minister to announce in the House today itself that the Central Government would consider this aspect and would bring a Constitutional amendment, as early as possible, so that the issue that has been challenged in the Supreme Court can be set at rest. If the Supreme Court gives its verdict on this matter, then, the people belonging to the backward classes in Tamil Nadu, Karnataka and other States would be affected. Therefore this crisis has to be got over. For that I would request the hon. Home Minister to bring a Constitutional amendment to set right the whole thing.

SHRI S. MADHAVAN (Tamil Nadu): Madam Deputy Chairman, I

associate myself with the issue raised by Shrimati Jayanthi Natarajan. I thank the hon. Prime Minister who took immediate steps to contact our Chief Minister. I also thank our hon. Home Minister who spoke to our Chief Minister. This year we are saved from this situation. To that extent, I must thank the Government. But the problem is that the sword of Damocles is still hanging over the Tamil Nadu Reservation Act. We have representated the matter to the Prime Minister as will as to the Home Minister. The Prime Minister was pleased to request his Law Minister to examine this issue. We have asked for two things. One was to protect our Act immediately by including it in the Ninth Schedule of the Constitution for which there must be a Constitutional amendment. In this connection, already a Bill had been introduced in this House by the Government to include a number of Acts including the Tamil Nadu Land Reforms Act, in the Ninth Schedule. I would request the Home Minister to consider this Act also so that it can be inserted in that Bill and our first request may be complied with. This Bill has been pending for a long time.

The second point is that the Supreme Court has clearly stated that it is not proportional representation that you can reserve under article 15 and 16. They have raised that point. They have quoted from the speech of Dr. Ambedkar delivered in the Constituent Assembly who said, 'The reservation must be confined only to limited seats, minimum seats. It cannot be proportionate." So, the Supreme Court has argued that if the Constitution provides for proportional representation for MLAs and MPs, then, they must provide for the same proportional reservation under articles 15 and 16. So, unless this policy is changed by the Government of India and brings an amendment to both articles 15 and 16 and stating clearly that reservation also will be proportionate to the population of the backward classes in the States, this uncertainty about reservation problem would continue. We do not want the Central Government to implement it or the Government of Uttar Pradesh to implement it or the BJP Government to implement it. We want that our Government should be given the power to reserve seats for the population whom we declare as backward classes. Today, in the State of Tamil Nadu, we have got 80 per cent of the population under backward classes. Starting from the late leader Periyar to the late leader Kamaraj, they had fought for them. All these things were true. But here no party is making a political capital out of this issue and there is no law and order problem, as Mr. Narayanasamy has pointed out. Now, all political parties have joined together in demanding of the Government of India that they must come forward to amend the Constitution and face the judgement of the Supreme Court. Otherwise, in the next sitting, the Supreme Court will cancel, set aside the Tamil Nadu Reservation Act. We are expressing this fear to the Government of India. They should consider it immediately. In this connection, our Chief Minister has written letters number of times. She has deputed a delegation The delegation, consisting of Members of Parliament, met both the Prime Minister as well as the Home Minister. But still the Government of India is not moving whereas the Supreme Court is moving fast. The G.O. issued by the Government of Karnataka has been stayed by them. The Tamil Nadu Reservation Act had been partially stayed by them. So, we are in a danger. The Tamil Nadu Act is in danger because of the inaction of the Government of India to save the Tamil Nadu Reservation Act.

SHRI V. NARAYANASAMY: People are suffering.

THE DEPUTY CHAIRMAN: There is no law and order situation there,

I hope. There is no law and order situation in this House.

SHRI V. NARAYANASAMY: Madam, it will lead to a law and order situation if it is not done.

THE DEPUTY CHAIRMAN: Mr. Narayanasamy, I will tell you one thing. When you are raising an issue which concerns many people who are affected, please say the facts. That is much better because then you will help the backward class people. When you raise such an important issue where a Constitution Amendment has to be brought in, if you try to make it political, the people will suffer, not here in this House, but outside, in the country and they are the people who have suffered for centuries. (*Interruptions*).

SHRI S. MUTHU MANI (Tamil Nadu): Madam, it is a common problem irrespective of party affiliations. It is also a problem which requires an emergent solution. It is a problem of six and a half crores of people. We are also associating ourselves with the sentiments expressed by Mrs. Jayanthi Natarajan and other colleagues. We—we means Tamil Nadu—are expecting a response from the hon. Home Minister. Madam, let him respond now.

SHRI AJIT P. K. JOGI: (Madhya Pradesh): Madam,... (*Interruptions*)

SHRI S.K.T. RAMACHANDRAN (Tamil Nadu): Madam, I want to... (*Interruptions*).

THE DEPUTY CHAIRMAN: There are other people from other States. Let us see the other view-points, the view-points of the other States in the country also. (*Interruptions*) I will call you also.

श्री अजीत जोगी : उपसभापति जी, श्रीमती जयन्ती नटराजन ने जो मुद्दा उठाया है मैं उससे अपने आपका संलग्न करता हूं ।. . (व्यवधान)

THE MINISTER OF HOME AFFAIRS (SHRI S. B. CHAVAN): Madam, let him not confuse the issue.

THE DEPUTY CHAIRMAN: The basic issue now is about Tamil Nadu and Karnataka.

SHRI AJIT P. K. JOGI: I will never confuse.

मैं अपने आपको को जो भावनायें श्रीमती जयन्ती नटराजन ने व्यक्त की हैं उनसे संलग्न करते हुये एक बात मैं विशेष तौर से निवेदन करना चाहता हूं कि राष्ट्र के जो अनुसूचित जाति और जन जाति के लोग हैं जो फसले पिछले दिनों सर्वोच्च न्यायालय ने दिये हैं उनसे इस वर्ग के लोगों पर, उनके हितों पर कुठाराघात हो रहा है । न केवल यह फैसला जो यह कहता है कि 50 प्रतिशत से अधिक आरक्षण नहीं होना चाहिये, इससे तो अनुसूचित जाति, जन जाति पर प्रतिकूल प्रभाव पड़ेगा ही, एक फैसला यह हुआ कि जिसे हम लोग मंडल के रूप में जानते हैं कि प्रोमोशन के मामलों में अनुसूचित जाति और जनजाति के लोगों को आरक्षण नहीं मिलेगा, एक फैसला यह भी सर्वोच्च न्यायालय ने दिया अभी हाल ही में कि जो उच्च न्यायालय के न्यायाधीशों की नियुक्तियां हो रही हैं उसमें पूरा का पूरा अधिकार अब न्यायापालिका के ऊपर है, कार्यपालिका अर्थात् एग्जीक्यूटिव को उसमें कोई बहुत अधिक अब उसकी भूमिका नहीं रह जायेगी । यदि यह होता है तो अनुसूचित जाति और जन जाति के न्यायाधीशों की नियुक्तियां नहीं हो पायेंगी, वैसे भी बहुत कम हैं । इसलिये मैं अपने आपको इस भावना से संलग्न करता हुआ, जिस वर्ग से मैं आता हूं अनुसूचित जाति और जन जाति के लोगों की भावनायें सामने रखते हुये

आदरणीय अपने नेता, से, सदन के नेता से यह अनुरोध करता हूं कि यह जो न्यायालय के निर्णय हो रहे हैं उससे अनुसूचित जाति, जन जाति और पिछड़े वर्ग के लोगों के हितों पर प्रतिकूल प्रभाव पड़ रहा है, हमें शीघ्र से संविधान में ऐसे संशोधन लाने चाहियें जिससे न्याय पालिका इन हितों पर कोई कुठाराघात नहीं कर सके।

SHRI H. HANUMANTHAPPA (Karnataka): Madam Deputy Chairman, I associate myself both with Mrs. Jayanthi Natarajan and with Mr. Narayanasamy. Democracy is for the people, by the people and of the people. And, people are growing. As the time passes on, the people who understand democracy, who want to participate in democracy, who want to share democracy, are increasing in number. We have seen 47 years since Independence. A lot of knowledge has been gained. The people in the country are becoming educated, enlightened, and they know their powers, their rights. Knowledge has increased. Sharing the power, participating in the democracy, is the result of the reservations, asking for more and more. But the implementation of the Mandal Report should not affect those people who are enjoying their rights now. If the Mandal Commission has come out with a certain percentage of reservation, that can be for those people who have not been enjoying it. But, in the States like Karnataka and Tamil Nadu, there are people who have already been enjoying more percentage than that announced by the Mandal Commission. Those people have been enjoying more percentage of reservation, without any fighting between the communities and without any fighting between the parties, which was never challenged and which was never questioned. Just because the Mandal Commission report has given a certain figure, even the Judiciary, I may submit with due respect, need not be guided by that. That is the minimum thing they have proposed and they have nothing more to give. But, where something has already been given and is being enjoyed by the people without any test, that should not be taken away. Here comes the role of the Government to see that right by way of a Constitutional amendment or by bringing an amendment to articles 15 and 16 of the Constitution. The Government can bring in a Constitutional amendment to concede the demand of the Scheduled Castes and the Scheduled Tribes and set right the injustice caused to them. So, I appeal to the Government to consider the latest judgment of the Supreme Court because it has affected the social fabric and the life of the people. I request the Government to set right the things before they take an ugly shape.

SHRI S. K. T. RAMACHANDRAN: Madam, this is a delicate issue and it has to be weighed and considered cautiously or else it may create some some sort of upsurge in the society. As far as the question of reservation is concerned, in the whole State of Tamil Nadu, all the people cutting across party lines, are one on this issue and everybody is trying to achieve the same objective. There is peace and amity in Tamil Nadu because no party is trying to differentiate itself in respect of that particular issue from the other parties. Madam, the hon. Member, Shrimati Jayanthi Natarajan, rightly pleaded that there is a dire necessity to amend the Constitution. Our Constitution is a written one. It is not based on conventions. We tried to put the diverse society into a single nation. So, the Founding Fathers of our Constitution would not have contemplated or foreseen so many difficulties or so many aspects which might come up at a later stage. Here, Madam, when the entire people are for it, it should be for us to respect the will of the people. I request the Leader of the House to take the consensus

and come forward with an amendment to the Constitution. Again, Madam, if you go through the judgment, you will find another danger. The potential danger is not here. The potential danger is somewhere else. The Court is now trying to collect the data of the past year selection. They want to conclude that that inasmuch as most of those, who have already been selected on the basis of the merit list, are from the backward community, there might not be any necessity for the reservation to continue because of the object has already been achieved. This is the argument which is going on. This is the potential danger. If they try to play with the sentiments of the people, if they try to come to a decision on this and if they want to say that there should be an end to reservation, then, they are triggering off an explosive situation not only in Tamilnadu but also in the whole country. So, wisdom should dawn upon us now. We should find a way out of this rut. There should not be a clash between the judiciary and the legislature. If necessary, we should sit together and hrash out the problem. Anyhow, our immediate requirement is an amendment and also restraint on the part of those who want to create an explosive situation in the country.

SHRI S. B. CHAVAN: Madam, I would like to confine myself to the point raised by the hon. Member, Shrimati Jayanthi Natarajan and I can assure her that we are eqully interested in bringing in the kind of Constitutional amendment that she has talked about. Now the only point is, if we have to get the Constitutional amendment passed, we require a particular majority, and unfortunately, in both the Houses if the situation, as it is prevailing, continues, then—maybe, we have the satisfaction of just bringing in such kind of a legislaion—getting it passed ithout the Opposition being present has no meaning. So, it is the responsibility of all the hon. Members, who are interested in seeing that such a kind of Constitutional amendment gets passed, to persuade all the hon. Members on the opposite side and see that they come back to the House and, in the national interest and also in the interests of the backward classes, they should make themselves available so that the Constitutional amendment can be passed. So far as the Government is concerned, the Government is equally keen about it.

SHRIMATI JAYANTHI NATARAJAN: Thank you, Sir.

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**Re: Reported mortgage of children to bidi, rolling agents in Vellore**

श्री वीरेन्द्र कटारिया (पंजाब) : मोहतरमा डिप्टी चेयरमैन साहिबा, मैं हाउस का ध्यान आपके माध्यम से एक बहुत ही भयानक, दिल हिला देने वाले और दिल की गहराइयों को छूने वाले मुद्दे की तरफ दिलाना चाहता हूं और वह मुद्दा यह है, वह वाक्या यह है कि वेल्लोर जिले में और उन बच्चों पर बहुत जुल्म हो रहा है । कुछ साल पहले जब 52 साल के एस० मट्ठू को अपनी नौजवान बेटी की शादी करनी थी और उसके पास पैसे का इंतजाम नहीं था तो उस गरीब ने मजबूरी और लाचारी में अपने मासूम बेटे राजा जी को एक बीड़ी रोलिंग एजेंट को 2500 रुपये में गिरवी रख दिया । आज के दिन भी यह मासूम राजा, जिसके लड़कपन के, खेलने-कूदने के दिन हैं, अपनी कमजोर उंगलियों से हजारों बीड़ियां सारा दिन रोल करता है क्योंकि उसका गरीब बाप, जो बोझा ढोता है, वह आज तक उस 2500 रुपये के कर्ज की जालिमाना सूद के साथ अदा नहीं कर पाया है। ऐसे ही इंसान के दिल-ओ-दिमाग को झंझोड़ देने वाला केस 12 साल की मासूम गीता का है जिसे उसकी मुफलिस मां ने 2,000 रुपये लेकर एक बीड़ी